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163-8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: SUBRAMANIAM et al. )  
Filed: October 12, 2000 ) Group Art Unit: 1638  
Serial No.: 09/688,069 ) Examiner: R Kallis  
Title: Nucleic Acid Sequences to Proteins ) Atty Docket Nos.: MONS:038US  
Involved in Tocopherol Synthesis ) REN-00-091-US

TRANSMITTAL LETTER

Mail Stop Information Disclosure Statement  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

For the above-referenced application, enclosed please find an Information Disclosure Statement (submitted in duplicate for accounting purposes); Form PTO-1449 on which the citations are listed; and a Return Post Card. Copies of references which had not been previously cited are provided under separate cover.

Respectfully submitted,

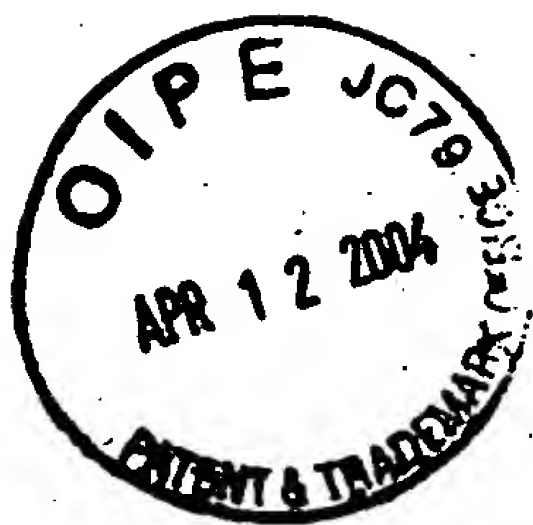
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*Sandra Paulov*  
Sandra Paulov / Lois Ruszala



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**INFORMATION DISCLOSURE STATEMENT**  
**PURSUANT TO 37 C.F.R. §§ 1.97 AND 1.98**

Mail Stop Information Disclosure Statement  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicants wish to bring the following information to the attention of the Examiner in connection with the subject application. A copy of each citation being mailed is included as is Form PTO-1449, on which the citations are listed.

Please charge the One Hundred Eighty Dollars and 00/100 (\$180.00) fee for filing this document to our Deposit Account No. 50-1100. If any additional fee or credit is due, please charge or credit the amount to our Deposit Account No. 50-1100. This authorization is provided in duplicate for accounting purposes.

Applicants wish to bring to the Examiner's attention other pending U.S. applications directed to tocopherol which have been filed on behalf of Monsanto Technology LLC and/or

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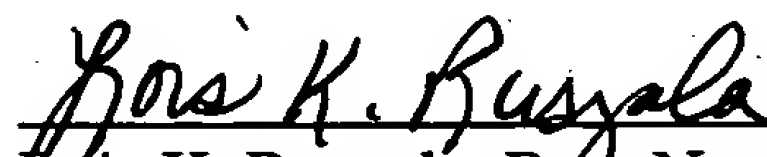
  
Sandra Paulov / Lois Ruzala

Calgene LLC. The published applications are set forth in the "Related Patent Documents" section on the Form PTO-1449.

This Disclosure Statement is not intended to substitute for the Examiner's own search. It is believed, however, that this Disclosure Statement will assist the Examiner in the search. The Examiner is expressly requested to review each item cited herein and to make all of the cited items of record in this case as having been considered. The completed Form PTO-1449 is attached for this purpose.

Citation of the items herein is not to be construed as an admission that the information is within the scope and content of the prior art relevant to the present invention, that the information is prior in time to a particular date which may be relevant to the present patent application, that the information is otherwise prior art with respect to the present invention, or that the information cited is material to the claims. In addition, applicants reserve the right to later set forth how the present invention is distinguished over the disclosure of any document or other prior art, including the information cited herein.

Respectfully submitted,



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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (Rev. 2-32) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. MONS:038US REN-00-091	SERIAL NO. 09/688,069
COPY		
APPLICANT SUBRAMANIAM et al.		FILING DATE October 12, 2000
GROUP 1638		

### "RELATED" U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A	2002/0069426	06 June 02	Boronat et al.			
	A	2002/0108148	08 Aug 02	Boronat et al.			
	A	2003/0148300	07 Aug 03	Valentin et al.			
	A	2003/0150015	07 Aug 03	Norris et al.			
	A	2003/0154513	14 Aug 03	van Eenennaam et al.			
	A	2003/0166205	04 Sep 03	van Eenennaam et al.			
	A	2003/0170833	11 Sep 03	Lassner et al.			
	A	2003/0176675	18 Sep 03	Valentin et al.			
	A	2003/0213017	13 Nov 03	Valentin et al.			
	A	2004/0018602	29 Jan 04	Lassner et al.			
	A	2004/0045051	04 Mar 04	Norris et al.			

### U.S. PATENT DOCUMENTS

	A	4,727,219	23 Feb 88	Brar et al.			
	A	5,304,478	19 Apr 94	Bird et al.			
	A	5,429,939	04 Jul 95	Misawa et al.			
	A	5,432,069	11 Jul 95	Grüninger et al.			
	A	5,618,988	08 Apr 97	Hauptmann et al.			
	A	5,684,238	04 Nov 97	Ausich et al.			
	A	5,750,865	12 Mar 98	Bird et al.			
	A	5,792,903	11 Aug 98	Hirschberg et al.			
	A	5,908,940	01 Jun 99	Lane et al.			
	A	6,281,017	28 Aug 01	Croteau et al.			
	A	6,303,365	16 Oct 01	Martin et al.			
	A	6,541,259	01 Apr 03	Lassner et al.			

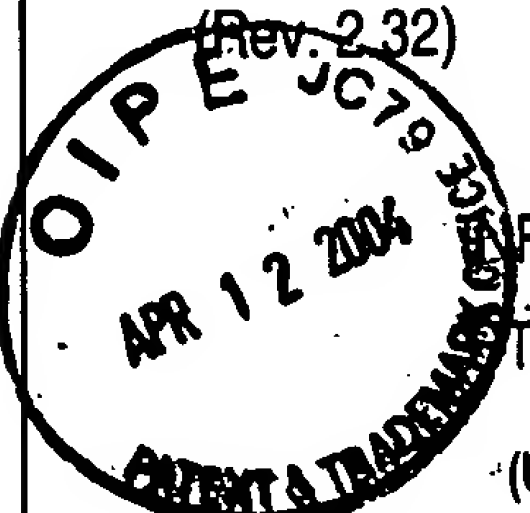
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Examiner

Date Considered

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	FILING DATE October 12, 2000	GROUP 1638

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	B	2,339,519	17 Feb 00	Canada			Eng Version of WO 00/08169
	B	2,343,919	30 Mar 00	Canada			Eng Version of WO 00/17233
	B	2,372,332	02 Nov 00	Canada			Eng Version of WO 00/65036
	B	0 723 017 A2	24 Jul 96	EPO			
	B	2 778 527		FR			YES
	B	DE 198 35 219 A1	05 Aug 98	German/English			YES=CA2339519
	B	WO 00/08169	17 Feb 00	PCT			YES=CA2339519
	B	WO 00/08187	17 Feb 00	PCT			
	B	WO 00/10380	02 Mar 00	PCT			
	B	WO 00/11165	02 Mar 00	PCT			
	B	WO 00/17233	30 Mar 00	PCT			YES=CA2343919
	B	WO 00/28005	18 May 00	PCT			
	B	WO 00/32757 A2 & A3	08 Jun 00	PCT			
	B	WO 00/34448	15 Jun 00	PCT			YES
	B	WO 00/42205 A2 & A3	20 Jul 00	PCT			
	B	WO 00/46346	10 Aug 00	PCT			YES
	B	WO 00/63389	26 Oct 00	PCT			
	B	WO 00/65036 A2 & A3	02 Nov 00	PCT			YES CA 2372332
	B	WO 01/04330	18 Jan 01	PCT			
	B	WO 01/09341	08 Feb 01	PCT			
	B	WO 01/12827	22 Feb 01	PCT			
	B	WO 01/21650	29 Mar 01	PCT			
	B	WO 01/44276	21 Jun 01	PCT			
	B	WO 01/62781	30 Aug 01	PCT			Partial
	B	WO 01/79472	25 Oct 01	PCT			

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	B	WO 01/88169 A2 & A3	22 Nov 01	PCT			
	B	WO 02/00901 A1	03 Jan 02	PCT			YES
	B	WO 02/26933	04 Apr 02	PCT			
	B	WO 02/29022	11 Apr 02	PCT			
	B	WO 02/31173	18 Apr 02	PCT			YES
	B	WO 02/33060	25 Apr 02	PCT			
	B	WO 02/46441	13 Jun 02	PCT			
	B	WO 02/072848	19 Sep 02	PCT			
	B	WO 02/089561	14 Nov 02	PCT			
	B	WO 03/034812	01 May 03	PCT			
	B	WO 03/047547	12 Jun 03	PCT			
	B	WO 91/02059	21 Feb 91	PCT			
	B	WO 91/09128	27 Jun 91	PCT			
	B	WO 91/13078	05 Sep 91	PCT			
	B	WO 93/18158	16 Sep 93	PCT			
	B	WO 94/11516	26 May 94	PCT			
	B	WO 94/12014	09 Jun 94	PCT			
	B	WO 94/18337	18 Aug 94	PCT			
	B	WO 95/08914	06 Apr 95	PCT			
	B	WO 95/18220	06 Jul 95	PCT			Abstract
	B	WO 95/23863	08 Sep 95	PCT			
	B	WO 95/34668	21 Dec 95	PCT			
	B	WO 96/02650	01 Feb 96	PCT			
	B	WO 96/06172	29 Feb 96	PCT			
	B	WO 96/13149	09 May 96	PCT			
	B	WO 96/13159	09 May 96	PCT			
	B	WO 96/36717 A2 & A3	21 Nov 96	PCT			
	B	WO 96/38567	05 Dec 96	PCT			US equivalent
	B	WO 97/17447	15 May 97	PCT			

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EXAMINER -INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	B	WO 97/49816	31 Dec 97	PCT			
	B	WO 98/04685	05 Feb 98	PCT			
	B	WO 98/18910	07 May 98	PCT			
	B	WO 99/04021	28 Jan 99	PCT			
	B	WO 99/04622	04 Feb 99	PCT			
	B	WO 99/11757	11 Mar 99	PCT			YES
	B	WO 99/19460	22 Apr 99	PCT			
	B	WO 99/55889	04 Nov 99	PCT			
	B	WO 99/58649	18 Nov 99	PCT			

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	c	ADDLESEE <i>et al.</i> , "Cloning, sequencing and functional assignment of the chlorophyll biosyntheses gene, <i>chlP</i> , of <i>Synechocystis</i> sp. PCC 6803", FEBS Letters 389 (1996) 126-130
	c	ARANGO <i>et al.</i> , "Tocopherol synthesis from homogentisate in <i>Capsicum anuum</i> L. (yellow pepper) chromoplast membranes: evidence for tocopherol cyclase", Biochem J., 336:531-533 (1998)
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	c	BAKER <i>et al.</i> , "Sequence and characterization of the <i>gcpE</i> gene of <i>Escherichia coli</i> ", FEMS Microbiology Letters, 94:175-180 (1992)
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	c	BRAMLEY <i>et al.</i> , "Biochemical characterization of transgenic tomato plants in which carotenoid synthesis has been inhibited through the expression of antisense RNA to pTOM5," The Plant Journal, 2(3), 343-349 (1992)

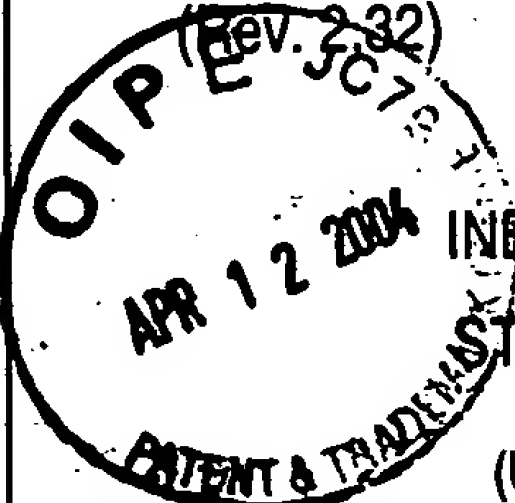
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	c	BREITENBACH <i>et al.</i> , "Expression in <i>Escherichia coli</i> and properties of the carotene ketolase from <i>Haematococcus pluvialis</i> ," FEMS Microbiology Letters 140, 241-246 (1996)
	c	BROUN <i>et al.</i> , "Catalytic Plasticity of Fatty Acid Modification Enzymes Underlying Chemical Diversity of Plant Lipids," Science, 282:1315-1317 (1998)
	c	BUCKNER <i>et al.</i> , "The <i>y1</i> Gene of Maize Codes for Phytoene Synthase," Genetics 143:479-488 (May 1996)
	c	BURKHARDT <i>et al.</i> , "Genetic engineering of provitamin A biosynthesis in rice endosperm," Experientia, 818-821
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	c	CAHOON <i>et al.</i> , "Production of Fatty Acid Components of Meadowfoam Oil in Somatic Soybean Embryos," Plant Physiology, 124:243-251 (2000)
	c	CHAUDHURI <i>et al.</i> , "The purification of shikimate dehydrogenase from <i>Escherichia coli</i> ," Biochem. J., 226:217-223 (1985)
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	c	COLLAKOVA <i>et al.</i> , "Isolation and Functional Analysis of Homogentisate Phytoltransferase from <i>Synechocystis</i> sp. PCC 6803 and <i>Arabidopsis</i> ", Plant Physiology, 127:1113-1124 (2001)
	c	COLLAKOVA <i>et al.</i> , "Homogentisate Phytoltransferase Activity is Limiting for Tocopherol Biosynthesis in <i>Arabidopsis</i> ", Plant Physiology, 131:632-642 (Feb. 2003)
	c	COLLAKOVA <i>et al.</i> , "Isolation and Characterization of Tocopherol Prenyl Transferase From <i>Synechocystis</i> and <i>Arabidopsis</i> ", Poster Abstract see REN-01-026
	c	COOK <i>et al.</i> , "Nuclear Mutations affecting plastoquinone accumulation in maize", Photosynthesis Research, 31:99-111 (1992)
	c	CUNILLERA <i>et al.</i> , "Characterization of dehydrololichyl diphosphate synthase of <i>Arabidopsis thaliana</i> , a key enzyme in dolichol biosynthesis", FEBS Letters, 477:170-174 (2000)
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	c	DOERKS <i>et al.</i> , "Protein annotation: detective work for function prediction", TIG, 14:248-250 (1998)
	c	d'HARLINGUE <i>et al.</i> , "Plastid Enzymes of Terpenoid Biosynthesis, Purification and Characterization of $\gamma$ -Tocopherol Methyltransferase from <i>Capsicum</i> Chromoplasts," The Journal of Biological Chemistry, Vol. 260, No. 28, pp. 15200-15203, December 5, 1985
	c	De LUCA, Vincenzo, "Molecular characterization of secondary metabolic pathways", AgBiotech News and Information, 5(6):225N-229N (1993)
	c	DUNCAN <i>et al.</i> , "The overexpression and complete amino acid sequence of <i>Escherichia coli</i> 3-dehydroquinase", Biochem. J., 238:475-483 (1986)

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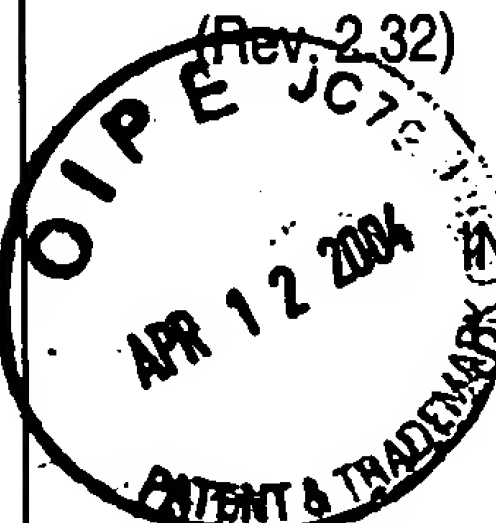
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	c	DUVOLD <i>et al.</i> , "Incorporation of 2-C-Methyl-D-erythritol, a Putative Isoprenoid Precursor in the Mevalonate-Independent Pathway, into Ubiquinone and Menaquinone of <i>Escherichia coli</i> ", Tetrahedron Letters, 38(35):6181-6184 (1997)
	c	ELLIOTT, Thomas, "A Method for Constructing Single-Copy <i>lac</i> Fusions in <i>Salmonella typhimurium</i> and Its Application to the <i>hemA-prfA</i> Operon", Journal of Bacteriology, 174:245-253 (1992)
	c	EISENREICH <i>et al.</i> , "The deoxyxylulose phosphate pathway of terpenoid biosynthesis in plants and microorganisms", Chemistry & Biology, 5(9):R221-R233 (1998)
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	c	FIEDLER <i>et al.</i> , "The formation of homogentisate in the biosynthesis of tocopherol and plastoquinone in spinach chloroplasts", Planta, 155:511-515 (1982)
	c	FOURGOUX-NICOL <i>et al.</i> , "Isolation of rapeseed genes expressed early and specifically during development of the male gametophyte", Plant Molecular Biology, 40:857-872 (1999)
	c	FRASER <i>et al.</i> , "Enzymic confirmation of reactions involved in routes to astaxanthin formation, elucidated using a direct substrate <i>in vitro</i> assay", Eur. J. Biochem., 252:229-236 (1998)
	c	FRASER <i>et al.</i> , "In Vitro Characterization of Astaxanthin Biosynthetic Enzymes", The Journal of Biological Chemistry, 272(10) 6128-6135 (1997)
	c	FRAY <i>et al.</i> , "Constitutive expression of a fruit phytoene synthase gene in transgenic tomatoes causes dwarfism by redirecting metabolites from the gibberellin pathway", The Plant Journal, 8(5):693-701 (1995)
	c	FRAY <i>et al.</i> , "Identification and genetic analysis of normal and mutant phytoene synthase genes of tomato by sequencing, complementation and co-suppression", Plant Molecular Biology, 22:589-602 (1993)
	c	FUQUA <i>et al.</i> , "Characterization of <i>melA</i> : a gene encoding melanin biosynthesis from the marine bacterium <i>Shewanella colwelliana</i> ", Gene, 109:131-136 (1991)
	c	FURUYA <i>et al.</i> , "Production of Tocopherols by Cell Culture of Safflower", Phytochemistry, 26(10):2741-2747 (1987)
	c	GARCIA <i>et al.</i> , "Subcellular localization and purification of a <i>p</i> -hydroxyphenylpyruvate dioxygenase from cultured carrot cells and characterization of the corresponding cDNA", Biochem. J., 325:761-769 (1997)
	c	GOERS <i>et al.</i> , "Separation and characterization of two chorismate-mutase isoenzymes from <i>Nicotiana glauca</i> ", Planta, 162:109-116 (1984)
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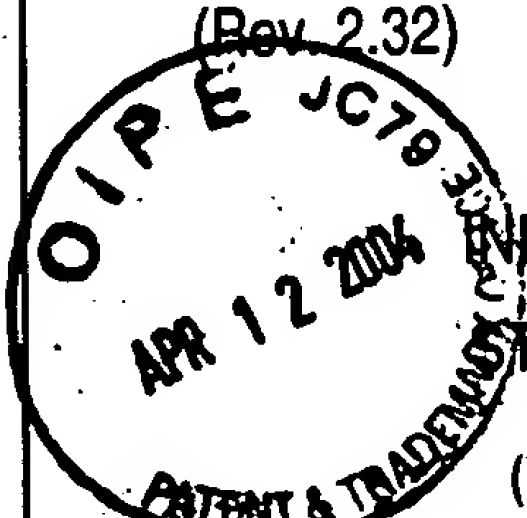
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	APPLICANT SUBRAMANIAM et al.		
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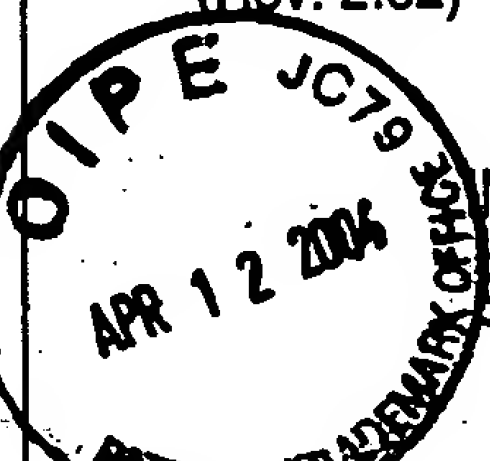
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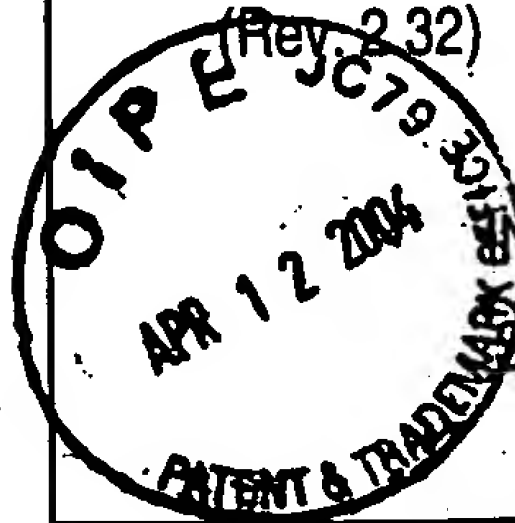
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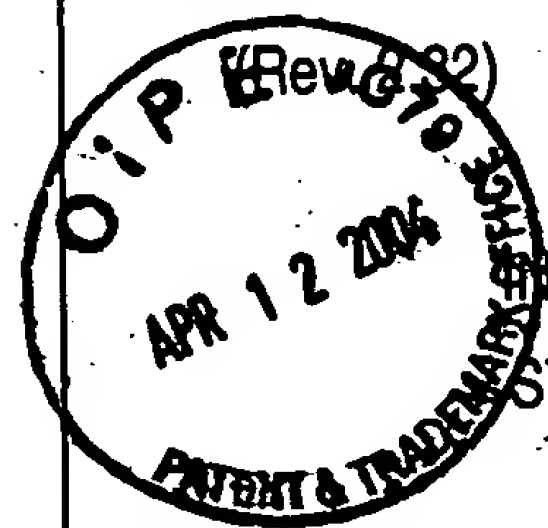
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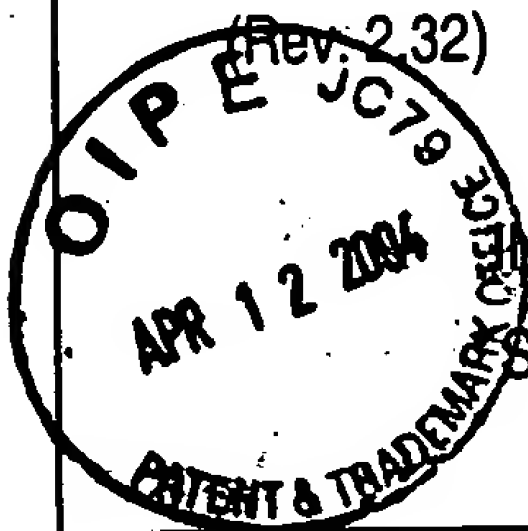
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c	IPEP, PCT/US00/10368, pp. 1-5 (August 16, 2002)
c	Examination Report, New Zealand Patent Application No. 514600, based on PCT/US/00/10368, pp. 1-2 (April 24, 2003)
c	Communication pursuant to Article 96(2) EPC, EP Application 00922287.8, based on PCT/US00/10368, pp. 1-6 (October 17, 2003)
c	Examiner's Report No. 2, Australia Patent Application No. 42492/00, based on PCT/US00/10368, pp. 1-4 (November 12, 2003)

\* References were previously cited by the Applicant or by the Examiner and thus copies of these references are not being resubmitted with this statement. Copies of the prior PTO-1449 and -892 forms are enclosed herein. See 37 C.F.R. §1.98(d).

Examiner

Date Considered

**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. MONS:038US REN-00-091	SERIAL NO. 09/688,069
	APPLICANT SUBRAMANIAM et al.	
	FILING DATE October 12, 2000	GROUP 1638

c	International Search Report, PCT/US01/12334, pp. 1-5 (April 5, 2002)
c	International Search Report, PCT/US01/24335, pp. 1-8 (March 6, 2003)
c	International Search Report, PCT/US01/42673, pp. 1-4
c	International Search Report, PCT/US02/03294, pp. 1-4 (March 19, 2003)
c	International Search Report, PCT/US02/13898, pp. 1-3 (September 13, 2002)
c	IPER, PCT/US02/13898, pp. 1-4 (April 24, 2003)
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c	Slr 1736 cyanobase <a href="http://www.kazusa.com">www.kazusa.com</a>

\* References were previously cited by the Applicant or by the Examiner and thus copies of these references are not being resubmitted with this statement. Copies of the prior PTO-1449 and -892 forms are enclosed herein. See 37 C.F.R. §1.98(d).

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